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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CHAWAN, VIJAY B

ART UNIT

PAPER NUMBER

2654

DATE MAILED: 01/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/412,202

Applicant(s)

GERSON, IRA A. 

Examiner

Vijay B. Chawan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 November 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen (5,765,130) in view of Fisher (5,708,704).

As per claim 1, Nguyen teaches a method for processing an input speech signal during presentation of an output audio signal, the method comprising the steps of:

detecting a start of the input speech signal; detecting, relative to the output audio signal, an input start time of the input speech signal; and, providing the input start time for use in responding to the input speech signal (abstract).

Nguyen however, does not specifically teach providing the input start time to establish a context in responding to the input speech signal. Fisher, however, does teach establishing input start time to establish a context in responding to the input

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speech signal (abstract, figure 3B, Col.3, line 59 – Col.4, line 64). It would have been obvious to one with ordinary skill in the art at the time of invention to establish a context in responding to the input speech signal as taught by Fisher into the method of Nguyen, because this would provide effective barge-in capability independent of the structure of the communications network configuration.

As per claim 2, Nguyen teaches the method of claim 1, wherein the input start time comprises any of a time stamp relative to a temporal context of the output audio signal, a sample index relative to a sample context of the output audio signal, and a frame index relative to a frame context of the output audio signal (Col.1, lines 54-67, Col.2, line 35 – Col.3, line 53).

As per claim 3, Nguyen teaches a computer readable medium having computer executable instructions for performing the method of claim 1 (Col.7, lines 14-17).

Claims 4-5 are method claims similar in scope and content of method claims 1-3 and are rejected under similar rationale.

As per claim 6, Nguyen teaches a method for processing input speech signal, comprising the steps of: detecting a start of the input speech signal during presentation of the output signal; determining, relative to the output audio signal, an input start time of the start of the input speech signal; and, providing the input start time to the speech server as control parameter (abstract, Col.2, line 35 – Col.3, line 53).

As per claims 7-12, Nguyen teaches receiving at least one information signal from the speech recognition server based at least in part upon the input start time; determining the input start time no earlier than a start of the output audio signal and no later than a start of a subsequent output audio signal; wherein the input start time comprises any of a time stamp relative to a temporal context of the output audio signal, a sample index relative to a sample context of the output audio signal, and a frame index relative to a frame context of the output audio signal; the output audio signal comprises a speech signal provided by the infrastructure; and a speech signal synthesized by the subscriber unit in response to control signaling provided by the infrastructure; and, analyzing the input speech signal to provide a parameterized speech signal; receiving at least one information signal from the speech recognition server based at least in part upon the input start time and the parameterized speech signal (abstract, Col.2, line 35 – Col.3, line 53, Col.6, line 31 – Col.7, line 17).

Claims 13- 17 are method claims similar in scope and content of method claims 6-12 and are rejected under similar rationale.

Claims 18-30 are method claims similar in scope and content of method claims 6-12 and are rejected under similar rationale.

Claims 31-55 are apparatus claims implement the method claimed in claims 6-30, and are similar in scope and content of method claims 6-30 and are rejected under similar rationale.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-55 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vijay B. Chawan whose telephone number is (703) 305-3836. The examiner can normally be reached on Monday Through Thursday 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Vijay B. Chawan  
Primary Examiner  
Art Unit 2654

vbc  
January 22, 2003

**VJAY CHAWAN**  
**PRIMARY EXAMINER**